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SUBJECT: BOLIVIAN CONGRESS MODIFIES LAW TO EXTEND
CONSTITUENT ASSEMBLY

REF: A. LA PAZ 1981

1B. LA PAZ 1709
1C. LA PAZ 1625

Summary

11. (SBU) Late in the evening of August 3, the Bolivian Congress approved a law modifying the original legislation (Law 3364) that convoked the Constituent Assembly (CA). The modifying legislation extends the CA's timetable to December 14 and sets forth a number of additional requirements, including national referendums, management of commission reports, and inclusion of autonomy referendum results. Although some CA members are protesting the new requirements, it seems likely that it will be accepted, given that the modified law reflects a deal made by all the parties. End summary.

Commission Reports and the Constitution

12. (SBU) The new modifying legislation addresses the suspect "minority" reports that were issued by certain commissions, when Movement Toward Socialism (MAS) delegates split their votes in order to issue both the majority and minority reports (refs B and C.) The new legislation states that the party that supports the majority report may not split itself so as to also issue a minority report. The text of the new constitution will be approved as a whole based on the majority reports, with the minority reports "considered in detail".

Two National Referendums

13. (SBU) Congress also decided that there will be two national referendums, one to settle any questions that the CA has not approved by two-thirds majority and the other to ratify the entire text of the constitution. The first

referendum (to settle unresolved questions) will be convoked by Congress, while the referendum to approve the constitution will be convoked by the executive branch. Both of these referendums will be decided by simple majority of voters.

Inclusion of Autonomy Referendum Results

14. (SBU) Article 7 of the modifying legislation sets out the obligation to include the results of the autonomy referendum of 2006 in the text of the new constitution, specifying that autonomy shall be immediate upon passage of the constitution.

No explicit reference was made to the question of the capital and whether it should be moved to Sucre, leaving this thorny question still potentially mired in the CA (ref A).

Timetables

15. (SBU) The modifying legislation extends the official session of the CA until December 14; however, the mandate of the CA members is extended until the new constitution enters into force (9 months later) in case consultations with CA members are necessary. After the CA concludes on December 14, the referendum to settle unanswered issues will take place within 120 days and the results of that referendum should be incorporated in the text of the constitution within 30 days. After that, the final referendum to approve the constitution should take place within 120 days.

Comment

16. (SBU) Although most CA members have accepted this new modification of their schedule and their powers, some assembly-members are protesting the intrusion by Congress and questioning the Congress's legal right to set conditions on the operation of the "originario" and sovereign Constituent Assembly. Most complaints are coming from MAS members of the CA. This furor within the MAS block of assembly-members provides an indication of just how much the government gave away to the opposition in negotiating the CA extension. The intra-MAS conflict probably foreshadows growing tensions within the MAS party. End comment.

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